TOWN OF YARROW POINT, WASHINGTON
ORDINANCE NO. 705

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, ADOPTING NEW CHAPTER 8.06 OF THE YARROW POINT MUNICIPAL CODE, ENTITLED "PUBLIC NOISE DISTURBANCES", TO ESTABLISH NEW REGULATIONS RELATED TO PUBLIC NOISE DISTURBANCES AND RELATED MATTERS; REPEALING CONFLICTING PROVISIONS OF YARROW POINT MUNICIPAL CODE CHAPTER 8.04; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Yarrow Point Municipal Code Chapter (YPMC) 8.04 provides general regulations related to public nuisances; and

WHEREAS, YPMC 8.04 only provides limited regulations related to public noise disturbances; and

WHEREAS, it has been brought to the Town Council's attention that there has been an increase in public noise disturbances, including transient noise related to operation of watercraft, that disturb the peace, quiet repose and comfort of Town residents and visitors alike; and

WHEREAS, the Town Council desires to establish specific rules and regulations related to such public noise disturbances to better ensure the peace, quiet repose and comfort of Town residents and visitors is preserved; and

WHEREAS, the Town Council desires to amend YPMC Title 8 to add a new chapter addressing the foregoing situation and establishing rules and regulations related public noise disturbances as described above, and the Council further desires to amend YPMC Chapter 8.04 to conform with the new regulations adopted herein.

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ORDAINS AS FOLLOWS:

Section 1. Findings. The Town Council adopts the forgoing recitals as findings in support of this Ordinance.

Section 2. New Chapter Adopted. A new Chapter 8.06 of the Yarrow Point Municipal Code, entitled "Public Noise Disturbances," is adopted to read as follows:

Chapter 8.06 Public Noise Disturbances

Sections:
8.06.010 Administration.
8.06.020 Public Disturbance Noises.
8.06.030 Penalty for Violation.

8.06.010 Administration.

The town police department and town marine patrol serve an important function in maintaining public health, safety and welfare by responding to resident complaints, often in the context of neighborhood noise disturbances. The town enforcement officer also plays an important role in noise control through oversight of permitted activities that generate noise, such as construction work. The police chief, marine patrol and the town enforcement officer each have authority to enforce this chapter pursuant to its provisions.

8.06.020 Public Disturbance Noises.

A. General Prohibition. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. Illustrative Enumeration. The following sounds, or similar sounds, which by reason of their intensity, frequency, duration, volume, pitch or any other reason disturb the peace, quiet repose or comfort of any person or persons, are deemed a public noise disturbance in violation of this chapter:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle or watercraft, except as a warning of danger or as specifically permitted or required by law.

2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, watercraft, or internal combustion engine within a residential zone or district.

3. Yelling, shouting, hooting, whistling or singing on or from a watercraft or near the public rights-of-way, particularly between the hours of eleven p.m. and seven a.m.

4. Sound from any motor vehicle or watercraft audio sound systems, operated at a volume so as to be audible greater than fifty feet from the vehicle or three hundred feet from the watercraft.

5. Sound from any source, other than a motor vehicle, watercraft, or commonly-used construction and landscape maintenance tools, operated at a volume so as to be audible greater than fifty feet from the source.

This subsection (B) shall not apply to community events such as parades or regularly scheduled community events between the hours of 9:00 a.m. and 11:00 p.m. This chapter shall not apply to fireworks lawfully discharged within the town.

8.06.030 Penalty for Violation.

A. Any person violating this chapter shall be given a warning to promptly cease the activity causing the noise disturbance. If the same noise disturbance continues or recurs, the violator shall be guilty of a civil infraction with a penalty of $100.00 for the first

offense, $300.00 for the second offense, and $500.00 for the third offense occurring within one year following the first offense. The civil infraction may be imposed as a remedy under Chapters 1.08 and 2.52 YPMC, which is in addition to abatement as provided in YPMC 8.04.040 and 8.04.050.

B. In addition, any violation of the provisions of this chapter constitutes a code violation under Chapter 1.08 YPMC and is subject to enforcement action, corrective action, fines and penalties described therein.

Section 3. Repeal. Yarrow Point Municipal Code Section 8.04.020(N) is hereby repealed in its entirety.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

Section 5. Corrections. The Town Clerk-Treasurer and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the Town. This Ordinance shall take full force and effect five (5) days after the date of publication.

Approved by the Council of the Town of Yarrow Point this 8th day of September, 2020 and signed into authentication of its passage the 9th day of OCT, 2020.

APPROVED

Mayor Dicker Cahill

ATTEST / AUTHENTICATED

Clerk-Treasurer Bonnie Ritter

APPROVED AS TO FORM:

Scott Missall, Town Attorney
Ogden Murphy Wallace, PLLC

TOWN OF YARROW POINT, WASHINGTON
CORPORATE SEAL
1959

The Seattle Times

RECEIVED
SEP 22 2020
TOWN OF YARROW POINT
Clerk's Office

Town Of Yarrow Point
Town Clerk
4030 95th Ave NE

Yarrow Point, WA 98004

Re: Advertiser Account # 101357

Ad #: 958690

Agency Account #: 0

Agency Name:

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	09/14/20

Agent Hanh Bui Signature Hanh Bui

FRANKIE FLIGHT
Notary Public
State of Washington
License Number 19110383
My Commission Expires
November 04, 2023

Subscribed and sworn to ~~before me~~ on 09/18/20
DATE

Frankie Flight
(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

The Seattle Times

Re: Advertiser Account # 101357

Ad #: 958690

Agency Account #: 0

Agency Name:

AD TEXT

SUMMARY OF ORDINANCE NO. 705
TOWN OF YARROW POINT, WASHINGTON

On the 8th day of September, 2020, the Town Council of the Town of Yarrow Point, Washington, passed Ordinance No. 705. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, ADOPTING NEW CHAPTER 8.06 OF THE YARROW POINT MUNICIPAL CODE, ENTITLED "PUBLIC NOISE DISTURBANCES", TO ESTABLISH NEW REGULATIONS RELATED TO PUBLIC NOISE DISTURBANCES AND RELATED MATTERS; REPEALING CONFLICTING PROVISIONS OF YARROW POINT MUNICIPAL CODE CHAPTER 8.04; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.
Dated this 9th day of September, 2020.

Bonnie Ritter, Clerk-Treasurer

RECEIVED
SEP 22 2020
TOWN OF YARROW POINT
Clerk's Office